

Applicants : Ann Marie Schmidt, et al.  
U.S. Serial No: 09/167,705  
Filed : October 6, 1998  
Page 5

#### **REMARKS**

Claims 1-17, as renumbered by the Examiner, are pending and under examination in the subject application. Applicants herein add new claims 18-21, amend claims 1, 3 and 11 and cancel claim 2. Support for the amendment to claim 1 can be found in the specification at, inter alia, page 10, lines 5-10. Claims 3 and 11 have been amended to correct typographical errors. New claims 18-21 have been added merely to individually claim certain embodiments recited in claim 1. Applicants maintain that these amendments raise no issue of new matter. Accordingly, upon entry of this Amendment, claims 1 and 3-21 will be pending and under examination.

#### **Rejection under 35 U.S.C. §112, First Paragraph**

The Examiner rejected claims 1-17 under 35 U.S.C. §112, first paragraph, as allegedly lacking enablement. Specifically, the Examiner alleges that although the specification is enabling for a method of inhibiting inflammation in a subject which comprises administering to the subject a compound selected from the group consisting of an anti-EN-RAGE antibody and the V-domain of soluble RAGE polypeptide, it does not reasonably provide enablement for a method of inhibiting inflammation in a subject which comprises administering to the subject a fragment of an anti-EN-RAGE antibody or a method for inhibiting inflammation in a subject which comprises administering to the subject a fragment of the V-domain of soluble RAGE polypeptide. However, the Examiner concedes that the addition of a functional limitation for both the fragment of anti-EN-RAGE antibody and fragment of the V-domain of soluble RAGE polypeptide would obviate the outstanding rejection.

Applicants : Ann Marie Schmidt, et al.  
U.S. Serial No: 09/167,705  
Filed : October 6, 1998  
Page 6

In response to the rejection of claim 2, and without conceding the correctness of the Examiner's rejections, applicants note that claim 2 has been canceled herein. Accordingly, the rejection thereof is moot.

In response to the rejection of claim 1 and dependent claims 3-17, and without conceding to correctness of the Examiner's rejection, applicants note that claim 1, as amended, provides a method for inhibiting inflammation in a subject which comprises administering to the subject a compound selected from the group consisting of (i) *an anti-EN-RAGE antibody*, (ii) *an EN-RAGE-binding fragment of an anti-EN-RAGE antibody*, (iii) *the V-domain of soluble RAGE polypeptide* or (iv) *an EN-RAGE-binding fragment of the V-domain of soluble RAGE polypeptide*, thereby inhibiting inflammation in the subject.

The Examiner further rejected claims 1-17 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. However, the Examiner concedes that this rejection can be obviated by the addition of a functional limitation for both the fragment of anti-EN-RAGE antibody and the fragment of the V-domain of soluble RAGE polypeptide.

In response to the rejection of claim 2, and without conceding the correctness of the Examiner's rejection, applicants again note that claim 2 has been canceled herein. Accordingly, the rejection thereof is moot.

Applicants : Ann Marie Schmidt, et al.  
U.S. Serial No: 09/167,705  
Filed : October 6, 1998  
Page 7

In response to the rejection of claim 1 and dependent claims 3-17, applicants again note that claim 1, as amended, provides a method for inhibiting inflammation in a subject which comprises administering to the subject a compound selected from the group consisting of (i) *an anti-EN-RAGE antibody*, (ii) *an EN-RAGE-binding fragment of an anti-EN-RAGE antibody*, (iii) *the V-domain of soluble RAGE polypeptide* or (iv) *an EN-RAGE-binding fragment of the V-domain of soluble RAGE polypeptide*, thereby inhibiting inflammation in the subject.

Accordingly, applicants maintain that pending claims 1 and 3-17, as well as new claims 18-21, satisfy the requirements of 35 U.S.C. §112, first paragraph.

#### **Summary**

Based on the reasons set forth hereinabove, applicants maintain that pending claims 1 and 3-21 are in condition for allowance. Accordingly, allowance is respectfully requested.

No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Applicants : Ann Marie Schmidt, et al.  
U.S. Serial No: 09/167,705  
Filed : October 6, 1998  
Page 8

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

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10/11/01

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